

STATE OF MISSOURI, ex rel.
JEREMIAH W. (JAY) NIXON
Attorney General,

Plaintiff,

v.

HEARTLAND FARM
SERVICES, INC., et al.,

Defendants.

HEARTLAND FARM)
SERVICES, INC., et al.,)
Defendants.)

Now on the date indicated herein below, the Motion for Consent Judgment and Permanent Injunction having been filed by the parties, and the Court having considered the above-described Motion and the fully executed Stipulation for Consent Judgment and Permanent Injunction filed contemporaneously therewith and made a part thereof, by the Plaintiff and Defendant in this action, and being fully advised in the premises makes the following findings:

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4. The Court approves the Stipulation for Consent Judgment and Permanent Injunction.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Robert and Raelene Bain, individually and by and through the direction and control they exercise over Heartland Farm Services, Inc., have violated § 407.020, RSMo 2000, and shall make restitution therefor according to the following schedule:

- A. Upon entry of this Order, Defendants shall tender the sum of Five Thousand Dollars (\$5,000.00) to the Missouri Attorney General, who shall forward said monies on a pro rata basis to those consumers who have sustained ascertainable loss as a result of Defendants' conduct, as set out in Exhibit 1.
- B. Within 90 days of entry of this Order, Defendants shall tender the sum of at least One Hundred and Twenty-Five Thousand Dollars (\$125,000.00) to the Missouri Attorney General, who shall forward said monies on a pro rata basis to those consumers who have sustained ascertainable loss as a result of Defendants' conduct, as set out in Exhibit 1. This sum shall represent, *inter alia*, proceeds of the sale of the following real estate:

Real Estate

The South 10 feet of Lot 2 and the North 20 feet of Lot 3, Block 13, RAILROAD ADDITION TO COLE CAMP, a subdivision in Benton County, Missouri, according to the recorded plat thereof.

In the event that Defendants are unable to sell the above-described real estate within 90 days as prescribed by this section, said failure shall not constitute a

default hereon if Defendants furnish evidence of their good faith efforts to sell said real estate.

- C. On the first day of each month, beginning on the first day of the month occurring 90 days after the entry of this judgment, and continuing thereafter until all restitution has been made, Defendants shall tender the sum of at least Five Hundred Dollars (\$500.00) to the Missouri Attorney General. The Missouri Attorney General shall be the custodian of said payments, and shall annually distribute the principle payments on a pro rata basis to those consumers who have sustained ascertainable loss as a result of Defendants' conduct. If Defendants fail to make a monthly payment by the first day of any month, a fifteen percent (15%) penalty shall be added to that month's payment. If Defendants fail to make a monthly payment by the fifteenth day of any month, such failure shall be deemed non-compliance with this Order, and an action for contempt shall lie.
- D. The parties agree that the payments required under Sections A, B, and C above shall be considered a minimum requirement; Defendants shall engage all reasonable efforts in expeditiously making the restitution contemplated by Exhibit 1 and ordered by this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Judgment, upon its entry and filing in the Office of the Benton County Circuit Clerk and the Office of the Benton County Recorder of Deeds, shall constitute a lien on the following real estate:

Real Estate

The South 10 feet of Lot 2 and the North 20 feet of Lot 3, Block 13,

RAILROAD ADDITION TO COLE CAMP, a subdivision in Benton County, Missouri, according to the recorded plat thereof.

Permanent Injunction

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Defendants Robert and Raelene Bain, individually and by and through the direction and control they exercise over Heartland Farm Services, Inc., have violated § 407.020, RSMo 2000, and are therefore hereby enjoined and restrained from the following:

- A. Being a sole proprietor, general or limited partner, owner, member, operator or officer in any business operating in, or soliciting customers from, the State of Missouri;
- B. Engaging in any conduct which violates § 407.020, RSMo 2000 by engaging in, or aiding or abetting others in any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or concealment, suppression or omission of any material fact in connection with the sale or offer for sale of any good or service.

Honorable John W. Sims
Presiding Judge
Thirtieth Judicial Circuit

Date: _____